MONTANA LEGISLATIVE HISTORY

Chapter 132 19 89

Bill H _____ S 39 Original bill & history ✓ C

H. Committee on Fish & Game			S. Committee on Fish & Game		
Hearing Date(s)	3/02	___C	Hearing Date(s)	1/12	___C
	3/02	___C		1/17	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	_____	___C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE FINAL STATUS

SB 38 INTRODUCED BY REGAN, ET AL.
STUDY CONSTRUCTION OF WOMEN'S PRISON

1/02	INTRODUCED		
1/02	REFERRED TO STATE ADMINISTRATION		
1/09	HEARING		
1/09	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/12	2ND READING PASSED	48	0
1/14	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO JUDICIARY		
3/01	HEARING		
3/01	COMMITTEE REPORT--BILL CONCURRED		
3/04	2ND READING CONCURRED	92	0
3/06	3RD READING CONCURRED	90	2
	RETURNED TO SENATE		
3/10	SIGNED BY SPEAKER		
3/10	SIGNED BY PRESIDENT		
3/11	TRANSMITTED TO GOVERNOR		
3/15	RETURNED TO SENATE WITH GOVERNOR'S AMENDMENTS		
3/17	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	46	0
3/20	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	48	0
	TRANSMITTED TO HOUSE		
3/30	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	91	0
3/31	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	95	2
	RETURNED TO SENATE		
4/08	SIGNED BY PRESIDENT		
4/08	SIGNED BY SPEAKER		
4/10	TRANSMITTED TO GOVERNOR		
4/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 518 EFFECTIVE DATE: 4/13/89		

SB 39 INTRODUCED BY BISHOP
PROHIBIT A PERSON WHO IS CONVICTED OF VIOLATING CERTAIN STATE HUNTING AND FISHING LAWS FROM APPLYING FOR A SPECIAL LICENSE WITHIN 5 YEARS AFTER THE CONVICTION

1/02	INTRODUCED		
1/02	REFERRED TO FISH & GAME		
1/12	HEARING		
1/20	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/23	2ND READING PASSED	34	14
1/25	3RD READING PASSED	39	11
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO FISH & GAME		
3/02	HEARING		
3/03	COMMITTEE REPORT--BILL CONCURRED		
3/06	2ND READING CONCURRED	86	6
3/07	3RD READING CONCURRED	88	5

2

RETURNED TO SENATE
3/13 SIGNED BY PRESIDENT
3/14 SIGNED BY SPEAKER
3/15 TRANSMITTED TO GOVERNOR
3/18 SIGNED BY GOVERNOR
CHAPTER NUMBER 132 EFFECTIVE DATE: 10/01/89

SB 40 INTRODUCED BY KEATING
PROVIDE OPTIONAL PUBLICATION FOR ANNUAL STATEMENT OF COUNTY FINANCIAL CONDITION

1/02 INTRODUCED
1/02 REFERRED TO LOCAL GOVERNMENT
1/03 FISCAL NOTE REQUESTED
1/05 HEARING
1/10 FISCAL NOTE PRINTED
1/10 FISCAL NOTE RECEIVED
2/02 HEARING
2/03 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/06 2ND READING PASSED 30 13
2/08 3RD READING PASSED 41 7

TRANSMITTED TO HOUSE
2/21 REFERRED TO LOCAL GOVERNMENT
2/28 HEARING
3/01 COMMITTEE REPORT--BILL CONCURRED
3/04 2ND READING CONCURRED 90 4
3/06 3RD READING CONCURRED 84 9

RETURNED TO SENATE
3/13 SIGNED BY PRESIDENT
3/14 SIGNED BY SPEAKER
3/15 TRANSMITTED TO GOVERNOR
3/20 SIGNED BY GOVERNOR
CHAPTER NUMBER 194 EFFECTIVE DATE: 10/01/89

SB 41 INTRODUCED BY ABRAMS
AUTHORIZE WARRANT PAYMENTS BY ELECTRONIC FUNDS TRANSFER
BY REQUEST OF STATE AUDITOR

1/02 INTRODUCED
1/02 REFERRED TO STATE ADMINISTRATION
1/06 HEARING
1/09 COMMITTEE REPORT--BILL PASSED AS AMENDED
1/12 2ND READING PASSED 48 0
1/14 3RD READING PASSED 48 0

TRANSMITTED TO HOUSE
2/21 REFERRED TO STATE ADMINISTRATION
3/03 HEARING
3/03 COMMITTEE REPORT--BILL CONCURRED
3/04 2ND READING CONCURRED 77 3
3/06 3RD READING CONCURRED 89 4

RETURNED TO SENATE
3/10 SIGNED BY SPEAKER
3/10 SIGNED BY PRESIDENT
3/11 TRANSMITTED TO GOVERNOR

SENATE BILL NO. 39

INTRODUCED BY BISHOP

IN THE SENATE

JANUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
JANUARY 20, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 21, 1989	PRINTING REPORT.
JANUARY 23, 1989	SECOND READING, DO PASS.
JANUARY 24, 1989	ENGROSSING REPORT.
JANUARY 25, 1989	THIRD READING, PASSED. AYES, 39; NOES, 11.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 20, 1989	FIRST READING.
MARCH 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	PASSED CONSIDERATION FOR THE DAY.
MARCH 6, 1989	SECOND READING, CONCURRED IN.
MARCH 7, 1989	THIRD READING, CONCURRED IN. AYES, 88; NOES, 5.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 8, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. 39

INTRODUCED BY BISHOP

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PENALTY FOR A PERSON WHO APPLIES FOR A SPECIAL LICENSE WITHIN 5 YEARS AFTER VIOLATING CERTAIN STATE HUNTING OR FISHING LAWS; AND AMENDING SECTION 87-1-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-102, MCA, is amended to read:

"87-1-102. **Penalties.** (1) A person violating any provision of this title, any other state law pertaining to fish and game, or the orders or rules of the commission or department is, unless a different punishment is expressly provided by law for the violation, guilty of a misdemeanor and shall be fined not less than $50 or more than $500, imprisoned in the county jail for not more than 6 months, or both. In addition, the person shall be subject to forfeiture of his license and privilege to hunt, fish, or trap within this state for a period of not less than 24 months from the date of conviction.

(2) (a) A person convicted of unlawfully taking, killing, possessing, transporting, or wasting of a bighorn sheep, moose, wild bison, caribou, mountain goat, or grizzly bear or any part of these animals shall be fined not less than $500 or more than $1,000, imprisoned in the county jail for not more than 6 months, or both. In addition, that person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for not less than 30 months from the date of conviction.

(b) A person convicted of unlawfully taking, killing, possessing, or transporting a deer, antelope, elk, mountain lion, or black bear or any part of these animals or wasting a deer, antelope, or elk shall be fined not less than $300 or more than $1,000, imprisoned in the county jail for not more than 6 months, or both. In addition, that person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for not less than 24 months from the date of conviction.

(c) A person convicted of unlawfully attempting to trap, take, shoot, or kill a game animal shall be fined not less than $200 or more than $600, imprisoned in the county jail for not more than 60 days, or both.

(d) A person convicted of unlawfully taking, killing, possessing, transporting, shipping, labeling, packaging, or wasting or unlawfully attempting to take, kill, or possess any game bird, wild turkey, or fish or any part of any such bird or fish or of failure to tag a game animal or game bird

INTRODUCED BILL
SB 39

as prescribed by law shall be fined not less than $50 or more than $200 or imprisoned in the county jail for not more than 30 days, or both.

(e) A person convicted of purposely or knowingly taking, killing, possessing, transporting, shipping, labeling, or packaging a fur-bearing animal or pelt of a fur-bearing animal in violation of any provision of this title shall be fined not less than $50 or more than $1,000 or imprisoned in the county jail for not more than 6 months, or both. In addition, that person shall forfeit any current license and the privilege to hunt, fish, or trap for not less than 24 months from the date of conviction and any pelts possessed unlawfully must be confiscated.

(f) A person convicted of hunting, fishing, or trapping while his license is forfeited or his privilege denied shall be imprisoned in the county jail for not less than 5 days or more than 6 months. In addition, that person may be fined not less than $500 or more than $1,000.

(3) A person convicted under subsection (2) may not apply for any special license under Title 87, chapter 2, part 7, or enter any drawing for a special license or permit for a period of 5 years following the date of conviction or restoration of license privileges, whichever is later. A violation of this subsection is a misdemeanor, punishable as provided in subsection (1).

~~(3)~~(4) Notwithstanding the provision of subsection (1), the penalties provided by this section shall be in addition to any penalties provided in Title 37, chapter 47, and Title 87, chapter 4, part 2."

-End-

STATE OF MONTANA
MONTANA LEGISLATIVE COUNCIL BILL STATUS SYSTEM
CURRENT STATUS OF ALL BILLS EVER REFERRED TO (S) FISH & GAME

CHAIRMAN--ELMER SEVERSON
SECRETARY-LUCILLE BORER
NORMAL SCHEDULE==> SITE: ROOM 402

COMMITTEE--(S) FISH & GAME
DAYS: T,TH,S TIME: 1:00 P.M.

OFFICE--ROOM 311

NOTE: BILL WILL BE LISTED TWICE IF REREFERRED BACK TO THE SAME COMMITTEE

BILL		REFER DATE	LATEST DATE/ACTION ON BILL	
SB 6		12/30	01/25--(S) 3RD READING FAILED	
			SPONSOR: BISHOP, AL	TITLE-REMOVE PENALTY FOR CERTAIN GAME TAG VIOLATIONS DISCOVERED AT CHECK STATIONS
SB 33		01/02	03/22--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/22/89
			SPONSOR: BISHOP, AL	TITLE-RENAME AND REVISE UPLAND GAME BIRD ENHANCEMENT PROGRAM
SB 39		01/02	03/18--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: BISHOP, AL	TITLE-PENALTY FOR APPLYING FOR SPECIAL HUNTING LICENSE WITHIN 5 YEARS OF VIOLATION
SB 47		01/03	01/26--(S) 3RD READING FAILED	
			SPONSOR: BENGTSON, ESTHER	TITLE-DELETE OPEN SEASON RESTRICTION ON MOURNING DOVES
SB 48		01/03	03/09--(H) ADVERSE COM RPT ADOPTED	(H) FISH & GAME
			SPONSOR: PIPINICH, BOB	TITLE-10-YEAR RESTRICTION ON SPECIAL HUNTING PERMITS FOLLOWING SUCCESSFUL HUNT
SB 56		01/03	03/24--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/24/89
			SPONSOR: JENKINS, LOREN	TITLE-REVISE LANDOWNER ELK HUNTING PREFERENCE
SB 144		01/16	01/30--(S) ADVERSE COM RPT ADOPTED	(S) FISH & GAME
			SPONSOR: JENKINS, LOREN	TITLE-REVISE SYSTEM FOR DRAWING SPECIAL ELK PERMITS
SB 149	R	01/16	04/24--(S) DIED IN COMMITTEE	
			SPONSOR: WEEDING, CECIL	TITLE-REVISE FEE IN LIEU OF TAX ON BOATS
SB 153		01/16	04/18--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: RASMUSSEN, TOM	TITLE-OUTFITTER MAY RETAIN GUIDE AS INDEPENDENT CONTRACTOR
SB 173		01/18	04/24--(S) DIED IN PROCESS	
			SPONSOR: VAUGHN, ELEANOR	TITLE-ALLOW TEMPORARY MOTORBOAT PERMITS FOR ALL OUT-OF-STATE MOTORBOATS
SB 219		01/23	04/18--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: WALKER, MIKE	TITLE-ESTABLISH HUNTING ACCESS REQUIREMENTS FOR GAME DAMAGE ASSISTANCE ELIGIBILITY
SB 231		01/25	03/15--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/15/89
			SPONSOR: PIPINICH, BOB	TITLE-RESALE OF WILDLIFE CARCASSES NOT FOR HUMAN CONSUMPTION
SB 236		01/25	03/15--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/15/89
			SPONSOR: SEVERSON, ELMER	TITLE-COMPULSORY ELK KILL REPORTING
SB 237		01/25	03/24--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/01/90
			SPONSOR: SEVERSON, ELMER	TITLE-LIMIT COW ELK PERMIT TO TAKING OF COW ELK
SB 240		01/25	03/11--(H) ADVERSE COM RPT ADOPTED	(H) FISH & GAME
			SPONSOR: JENKINS, LOREN	TITLE-ALLOW DISABLED PERSON OR PERSON OVER 65 TO DESIGNATE ANOTHER HUNTER
SB 250		01/26	03/29--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: BECK, TOM	TITLE-INVOLUNTARY TRANSFER OF BOAT AND SNOWMOBILE TITLES
SB 260		01/27	03/29--(S) -	EFFECTIVE DATE: 10/01/89 (S1-13, 15)
			SPONSOR: BROWN, ROBERT	TITLE-REGULATE INTRODUCTION, PROLIFERATION AND SPREAD OF UNDESIRABLE FISH
SB 294		01/31	03/22--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/22/89
			SPONSOR: RAPP-SVRCEK, PAUL	TITLE-REGULATION OF TAKING OF AQUATIC FISH FOOD ORGANISMS FOR COMMERCIAL SALE
SB 306		02/01	04/24--TABLED IN COMMITTEE	

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Vice Chairman Sen. John Anderson, Jr., on January 12, 1989, at 1:00 p.m.

ROLL CALL

Members Present: Vice Chairman Sen. John Anderson, Jr., Sen. Judy Jacobson, Sen. Al Bishop, Sen. Paul Rapp-Svrcek, Sen. Loren Jenkins, Sen. Bill Yellowtail.

Members Excused: Chairman, Sen. Elmer Severson

Members Absent: Chairman, Sen. Elmer Severson

Staff Present: Andrea Merrill, Legislative Council

Announcements/Discussion: None

HEARING ON SENATE BILL 6

Presentation and Opening Statement by Sponsor: Sen. Al Bishop, District 46, stated that, by law, a hunter is supposed to voluntarily stop at a checking station according to M.C.A., 87-2-509. This pertains to the tagging of carcasses of game animals. Section 87.3.404 pertains to turkey tags. You have to tag turkeys too. The tag has to be left attached to the carcass. The next section this would be exempt from is M.C.A., 87-5-302 and that is for grizzly bears. There are also additional requirements in regards to grizzly bears.

This only applies to tagging requirements. It is devastating to the hunter or fisherman who voluntarily pulls into a check station who is trying to comply with the law. If he has forgotten to cut out a day or a month on that tag he will be fined and arrested and the animal will be confiscated. This happens frequently. One example is a husband and wife in Eastern Montana had antelope tags. They went hunting and they each got an antelope. They stopped at the check station. This was the first time the wife had ever hunted. He had his tag cut out but had neglected to tell his wife to do the same. Well, the warden arrested her, she paid a $90 or $100 fine and the antelope was confiscated. I can't see the validity in something like that and I

Question: Sen. Jenkins asked Sen. Bishop shouldn't the man in the field that stops when he sees the game warden have the same courtesy as the one that stops at the check station?

Answer: Sen. Bishop said no because the hunter isn't stopping for the game warden in the field. The game warden generally is approaching him. You don't run out of your way to the game warden when you see him out in the field. If you are caught out of that checking station coming to or after you have gone by, you are going to get arrested. This is something I am trying to limit just to the check stations. I don't think a little clerical thing like this should entail a $100 fine and a confiscation of your animal in any event.

Question: Sen. Yellowtail asked Mr. Marcoux what constitutes a check station. The game warden is sitting in his truck along side of the road and checks some hunters as they drive by, is that a check station?

Answer: Mr. Marcoux stated that a check station would be a place were there would be a sign placed up saying "Hunters, checking station ahead, hunters must stop".

HEARING ON SENATE BILL 39

Presentation and Opening Statement by Sponsor: Sen. Al Bishop stated that this bill provides that a person convicted under sub-section two of this bill...

> (2) (a) A person convicted of unlawfully taking, killing, possessing, transporting, or wasting a bighorn sheep, moose, wild bison, caribou, mountain goat, or grizzly bear or any part of thereof...and it provides for the penalty.

These are permits issued through the drawing process. It used to be that once you got a permit you couldn't re-apply for seven years. We did away with that, but I understand there is another bill coming up now that is trying to re-instate that waiting period. What this does is if you are convicted for any of these offenses under sub-section (2) you may not apply for a special licence for any of those animals for a period of five years. Probably, in any event, you are going to be restricted to a couple of years, the J.P. can suspend your license for 30 months. This just makes it five years.

List of Testifying Proponents and What Group They Represent:

Don Chance, Montana Wildlife Federation
Ron Marcoux, Department of Fish, Wildlife & Parks
Vera Cahoon, Montana Bow Hunters Association
Robert Van Der Vere, Helena Citizen

List of Testifying Opponents and What Group They Represent:
None

Testimony:

Don Chance left testimony. See Exhibit #3

Ron Marcoux, Department of Fish, Wildlife and Parks. He presented his testimony. See Exhibit #4.

Vera Cahoon stated that the M.B.A. would like to go on record in support of S.B 39. We feel that this bill is long overdue and is proper punishment. We hope it would make hunters stop and think before illegally taking an animal. We would also support the amendment that was suggested. See Exhibit #5.

Robert Van Der Vere supports this bill with the amendments. I opposed the bill as originally written. But with the proper amendments in it I would support S.B. 39.

List of Testifying Opponents and What Group They Represent:
None.

Questions from the Committee:

Question: Sen. Bill Yellowtail asked Ron Marcoux if there is a mechanism whereby if we just prohibited a person from submitting application and supposing they did we could reject their applications?

Answer: Mr. Marcoux stated that if we estimate the numbers that are being convicted and the restitution fines applied at this point we feel that that doesn't substantially increase. We will be able to cross-check names. There may be some difficulty with change of addresses, etc. that we may encounter, but we think that we can accommodate that within reason.

Question: Sen. Bill Yellowtail Sen. Bishop what and why is a penalty necessary? In view of the fact that we can't prohibit them from applying, and if they happen to by mistake, we could reject their application. So I wonder why it's necessary to have a penalty if you do apply.

Answer: Don Chance answered. It was something that was injected in their by Legislative Council and I guess the Montana Wildlife Federation wouldn't object to removing that penalty. The real intent was to prohibit these individuals from participating in the drawing. There is so much competition in this state already to prohibit those individuals from participating in the drawing. In addition, the way the bill is currently drafted, this bill would apply to not only the larger big game and specialized species like bison, it would also apply to major deer and elk violations and a number of other species. Frankly, the Montana Wildlife Federation strongly supports that. These game violations are occurring on a variety of species. And, it is our intent to try and get those individuals who are knowingly and purposely violating those laws.

Closing by Sponsor: Sen. Bishop did not have a closing.

Executive Action: None today because the Chairman was absent.

ADJOURNMENT

Adjournment at: 2:00 p.m.

Sen John H. Anderson Jr.
SEN. ANDERSON, JR., Vice Chairman

ES/LAB/

FIS.112

SENATE FISH AND GAME
EXHIBIT NO. 3
DATE January 12, 1989
BILL NO. SB 39

POACHING PENALTIES
SB 39
TESTIMONY BY DONALD CHANCE FOR THE
MONTANA WILDLIFE FEDERATION

Poaching and other forms of major game violations are a major problem that affects the landowner community, sportsmen, outfitters, and the fish and game resources of the state. It is extremely difficult to assess with precision the magnitude of major game and fish poaching violations in the State, but we do know from the best available information that it is a significant and detrimental impact. From a scattering of studies conducted in the Western U.S., it has been estimated that from 20% to 50% of fish and game harvested may be taken illegally under certain circumstances.

Poaching affects many interests. It constitutes a problem for the landowner community with trespass, vandalism, nuisance factors, and the burden of having illegal activity occurring on their property. It reduces the recreational opportunity for the legitimate sportsman and wildlife enthusiast. It impacts the ability to effectively manage our State wildlife and fishery resources, and constitutes a growing enforcement expense that we all pay for in some way. It is economically damaging to the outfitting and guide industry. And it detracts from our own natural heritage - the fish and wildlife resource of the State of Montana.

History has born out that stiff and consistent application of poaching penalties works as a major deterrence. Penalties which are too severe ,however, can result in violence and pursuit scenes in the field. SB 39 amends the current poaching penalties by further prohibiting convicted poachers from participating for 5 years after conviction in any special hunting license or drawing activity if the violation was conducted in a knowingly and purposeful manner.

The MWF is strongly in favor of any measure that will severly penalize and get out of the woods the slob hunter, or individuals who abuse land-owner rights, damaging the relationship between legitmate sportsmen and landowners. And we urge your passage of this bill.

For further information contact Don Chance- lobbyist, Montana Wildlife Federation- 475-3029 or Rich Day- Executive Director, Montana Wildlife Federation 587-1713.

SB 39
January 12, 1989

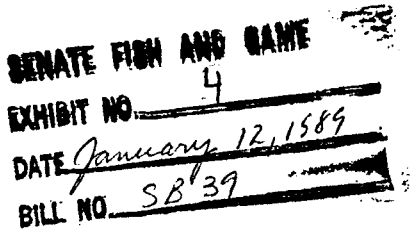
Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

We support the intent of SB 39 to penalize those who violate certain rules in the hunting of Montana's most sought after big game species. We estimate 30 violators per year would be convicted under the provisions of subsection 2(a).

An unknown but significant portion of those 30 are hunters who may be found guilty of some technical aspect of the licensing/tagging procedure and did not knowingly violate the law. Situations may occur where the animal was legally taken and then improperly tagged or transported. Other violators may be unlicensed and are already operating outside of current laws. We believe those who are found to knowingly and purposely violate existing laws should be the people against whom additional penalties should be imposed.

We recommend modifying this bill so that only those violators who are convicted under subsection 2(a) and are also found guilty under the "Restitution Law" (87-1-111) would lose their drawing privileges.

We support passage of SB 39 if the above provision is adopted. A copy of the proposed amendment is attached.



87-1-105. Duty of attorney general and county attorneys. The attorney general of the state is the legal adviser of the department and shall, together with the several county attorneys, enforce the provisions of this title.

History: En. Sec. 26, Ch. 193, L. 1921; re-en. Sec. 3675, R.C.M. 1921; re-en. Sec. 3675, R.C.M. 1935; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-126; amd. Sec. 1, Ch. 44, L. 1979.

87-1-106. Fish and game offices. The principal offices of the commission and department shall be located in or near Helena, and suitable and adequate space therefor together with janitor services, light, heat, and water shall be furnished by the state of Montana.

History: En. Sec. 3, Ch. 193, L. 1921; re-en. Sec. 3652, R.C.M. 1921; amd. Sec. 1, Ch. 77, L. 1923; amd. Sec. 1, Ch. 192, L. 1925; re-en. Sec. 3652, R.C.M. 1935; amd. Sec. 1, Ch. 114, L. 1945; amd. Sec. 1, Ch. 52, L. 1957; amd. Sec. 1, Ch. 119, L. 1959; amd. Sec. 23, Ch. 271, L. 1963; amd. Sec. 2, Ch. 511, L. 1973; R.C.M. 1947, 26-103(part); amd. Sec. 1, Ch. 340, L. 1985.

87-1-107 through 87-1-110 reserved.

87-1-111. Restitution for illegal killing or possession of certain wildlife. In addition to other penalties provided by law, a person convicted of the illegal killing or possession of a wild bird, mammal, or fish listed in this section shall reimburse the state for each such bird, mammal, or fish according to the following schedule:

(1) bighorn sheep, mountain goat, caribou, buffalo, grizzly bear, moose, and endangered species, $1,000;

(2) elk, mountain lion, black bear, lynx, and wolverine, $500;

(3) deer, antelope, fisher, raptor, swan, bobcat, and pallid and white sturgeon, $300;

(4) paddlefish, grayling, and furbearers not listed in subsection (1), (2), or (3), $100;

(5) game bird (except swan), $25;

(6) game fish, $10.

History: En. Sec. 1, Ch. 523, L. 1987.

87-1-112. Finding required. Before restitution may be ordered pursuant to 87-1-111, the finder of fact at trial or the court upon entry of a guilty plea must find that such illegal killing or possession was done knowingly or purposely as defined in 45-2-101.

History: En. Sec. 2, Ch. 523, L. 1987.

87-1-113. Payment -- penalty for nonpayment. (1) In each case of conviction, the court before which the conviction is obtained shall order payment of the sum stated in 87-1-111.

(2) Failure to make payment in the time and manner prescribed by the court constitutes civil contempt of court and is punishable as provided in Title 3, chapter 1, part 5.

History: En. Sec. 3, Ch. 523, L. 1987.

87-1-114. Disposition of proceeds. All money collected by a court pursuant to 87-1-111 through 87-1-113 must be remitted to the state treasurer for deposit in the state special revenue fund as provided in 87-1-601(1).

History: En. Sec. 4, Ch. 523, L. 1987.

Part 2

Department of Fish, Wildlife, and Parks

87-1-201. Powers and duties. (1) The department shall supervise all the wildlife, fish, game, game and nongame birds, waterfowl, and the game and fur-bearing animals of the state. It possesses all powers necessary to fulfill the duties prescribed by law and to bring actions in the proper courts of this state for the enforcement of the fish and game laws and the rules adopted by the department.

(2) It shall enforce all the laws of the state respecting the protection, preservation, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.

(3) It shall have the exclusive power to spend for the protection, preservation, and propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise. Money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from fines or damages collected for violations of the fish and game laws, or from appropriations or received by the department from any other sources are appropriated to and under control of the department.

(4) It may discharge any appointee or employee of the department for cause at any time.

(5) It may dispose of all property owned by the state used for the protection, preservation, and propagation of fish, game, fur-bearing animals, and game and nongame birds which is of no further value or use to the state and shall turn over the proceeds from the sale to the state treasurer to be credited to the fish and game account in the state special revenue fund.

(6) It may not issue permits to carry firearms within this state to anyone except regularly appointed officers or wardens.

(7) The department is hereby authorized to make, promulgate, and enforce such reasonable rules and regulations not inconsistent with the provisions of chapter 2 as in its judgment will accomplish the purpose of chapter 2.

(8) The department is authorized to promulgate rules relative to tagging, possession, or transportation of bear within or without the state.

History: Ap. p. Sec. 4, Ch. 193, L. 1921; re-en. Sec. 3653, R.C.M. 1921; amd. Sec. 2, Ch. 77, L. 1923; amd. Sec. 2, Ch. 192, L. 1925; amd. Sec. 1, Ch. 200, L. 1935; re-en. Sec. 3653, R.C.M. 1935; amd. Sec. 1, Ch. 157, L. 1941; amd. Sec. 1, Ch. 40, L. 1951; amd. Sec. 1, Ch. 157, L. 1955; amd. Sec. 1, Ch. 151, L. 1957; amd. Sec. 1, Ch. 36, L. 1959; amd. Sec. 1, Ch. 96, L. 1959; amd. Sec. 1, Ch. 173, L. 1965; amd. Sec. 1, Ch. 344, L. 1969; amd.

AMENDMENTS TO SB 39
INTRODUCED (WHITE) COPY

1. Page 3, line 19

Following: "convicted"

Insert: "or who has forfeited bond or bail"

Following: "(2)"

Insert: "(a) and who has been ordered to pay restitution

under 87-1-111."

ROLL CALL

FISH AND GAME COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 1/12/89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Elmer Severson			X
Sen. John Anderson Jr.	X		
Sen. Judy Jacobson	X		
Sen. Al Bishop	X		
Sen. Paul Rapp-Svrcek	X		
Sen. Loren Jenkins	X		
Sen. Bill Yellowtail	X		

Each day attach to minutes.

SF-2 (Rev. 1987)

VISITORS' REGISTER

FISH AND GAME COMMITTEE

BILL NO. 39 DATE 1/12/89

SPONSOR Bishop

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Robt. Van Der Vere	HELENA	X	
Dera Cahoon	Mola	X	
Don CHANCE	HELENA - M. WILDLIFE FED.	X	
~~Gayle Shotton~~	~~Helena - DAT WILDLIFE FED~~	~~X~~	
Wally Sewell	MT Mah. Assoc.		
Vernon Turk			
Ron Marcoux	FWP	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Elmer Severson, on January 17, 1989, at 1:00 p.m.

ROLL CALL

Members Present: Sen. Elmer Severson, Sen. John Anderson,Jr., Sen. Al Bishop, Sen. Paul-Rapp Svrcek, Sen. Judy Jacobson, Sen. Loren Jenkins, Sen. Bill Yellowtail.

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council

Announcements/Discussion: None

HEARING ON SENATE BILL 33

Presentation and Opening Statement by Sponsor: Sen. Al Bishop stated that it the basis of the bill was designed to provide monies through the increase in license fee for the purpose of raising and stocking pheasants. But, it has to be fine-tuned now. What we are trying to do with this bill, on page 2, line 12 it states "...up to $3 a bird..."; now we've changed that to "...at $3 a bird...". That was one of the suggestions that Ed made because apparently the Department of Fish, Wildlife and Parks has been paying something less than $3 a bird. I think it has been $1.50 for roosters and maybe $3 for hens. Ed and I couldn't see any reason for doing that because raising and stocking pheasants is not a paying proposition in the first place. It costs more than $3 to raise one of these birds. The point is, at $3 a bird you have to love these birds to do that. You won't be raising pheasants for a profit at $3 a bird.

Then we discovered that of approximately $400,000 this bill generated, about $10,000 of it was paid out for raising birds. So, there is a big balance in that account that is just sitting there. The only benefit anyone is getting from it is that the interest from it goes into the general fund. At the end of each year,

this bill. There are numerous places where hunters are instructed as to the proper tagging of those animals. If you take hunter safety class, that is one of the first things you are taught. When you buy your license, the regulation lists the proper tagging of an animal. The license itself clearly states how to tag an animal properly. I think that to pass this bill, while we may not be making criminals of otherwise good people, I think we could very well be making gamblers out of them. For instance, "I'll gamble that I may not go by a check station today, so I am not going to tag this animal. Because if do go by the check station, they will just issue a courtesy citation." I think the system we have now makes it very clear, you tag the animal properly or you are in violation of the law.

Sen. Bishop responded. He said "it behooves the wardens to be diligent" because 10% of this money goes into the warden's retirement fund. The other one is, I think they should issue citations if you've broken the law. They shouldn't be the judge and jury. When they catch a violator, they shouldn't selectively enforce the law, they should enforce the law as it is written and site you if you have broken the law. Not site one person and not another one. That's what I meant by both of those.

Amendments and Votes: Sen. Jacobson made a motion to amend SB 6 by striking "...is not subject to any penalty for non-compliance..." and insert "...a hunter or fisherman who voluntarily stops at a checking station, shall be issued a courtesy citation." See Exhibit #7.

Recommendation and Vote: The bill passed as amended.

DISPOSITION OF SB 39

Discussion: Sen. Bishop stated that there had been some amendments recommended for that. We all were given copies of that amendment. Sen. Yellowtail pointed out to me that we should take out the "penalty" part out of it. And I agree with that because they have already suffered a penalty by being convicted. The penalty is that they will not be able to apply for these special licenses. Not that they are going to be charged with another misdemeanor. Sen. Bishop proposed the amendments. They were seconded. See Exhibit #8.

Recommendation and Vote: Sen. Bishop proposed the amendments and the motion PASSED on a voice vote.

STARDING COMMITTEE REPORT

January 18, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SB 39 (first reading copy -- white), respectfully report that SB 39 be amended and as so amended do pass:

1. Title, line 4 through line 6.
Following: "TO"
Strike: remainder of line 4 through line 6
Insert: "PROHIBIT A PERSON WHO IS CONVICTED OF VIOLATING CERTAIN STATE HUNTING AND FISHING LAWS FROM APPLYING FOR A SPECIAL LICENSE WITHIN 5 YEARS AFTER THE CONVICTION;"

2. Page 3, line 19.
Following: "convicted"
Insert: "or who has forfeited bond or bail"
Following: "subsection (2)"
Insert: "and who has been ordered to pay restitution under the provisions of 87-1-111"

3. Page 3, line 23 through line 25.
Following: "later."
Strike: remainder of line 23 through line 25

SENATE FISH AND GAME
EXHIBIT NO. 8
DATE January 17, 1989
BILL NO. SB 39

AND AS SO AMENDED DO PASS

Signed: Elmer D. Severson

Elmer D. Severson, Chairman

1/19/89
4:05 p.m.

SCRSB39.118

Form CS-32
Rev. 1985

STATUS SHEET

51 LEGISLATIVE SESSION

Fish and Game COMMITTEE

Senate Bills

ILL MBER	ENTERED COM. DATE	DATE CON-SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON-CURRED IN DATE	BE NOT CON-CURRED IN DATE	BE CON-CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
231	2/21	2/28	2/28					2/28			
173	2/21	2/28	2/28					2/28			
39	2/21	3/2	3/2					3/2			
48	2/21	~~3/2~~ 3/7	3/7						3/7		
3237	2/21	3/2	3/2							3/2	
333	2/21	3/7	3/7					3/7			
3219	2/21	3/7	3/7					3/7			
3240	2/21	3/9	3/9						3/9		
3294	2/21	3/9	3/9					3/9			
356	2/21	3/9	3/9					3/9			
3236	2/22	3/2	3/2					3/2			
3250	2/22	3/14	3/14					3/14			
3260	2/22	3/14	3/14					3/14			
3388	2/22	3/14	3/14							3/14	

e a separate sheet for Senate Bills, House Bills, and Resolutions.

SENATE BILL NO. 39

INTRODUCED BY BISHOP

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~ESTABLISH A PENALTY FOR A PERSON WHO APPLIES FOR A SPECIAL LICENSE WITHIN 5 YEARS AFTER VIOLATING CERTAIN STATE HUNTING OR FISHING LAWS;~~ PROHIBIT A PERSON WHO IS CONVICTED OF VIOLATING CERTAIN STATE HUNTING AND FISHING LAWS FROM APPLYING FOR A SPECIAL LICENSE WITHIN 5 YEARS AFTER THE CONVICTION; AND AMENDING SECTION 87-1-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-102, MCA, is amended to read:

"87-1-102. **Penalties.** (1) A person violating any provision of this title, any other state law pertaining to fish and game, or the orders or rules of the commission or department is, unless a different punishment is expressly provided by law for the violation, guilty of a misdemeanor and shall be fined not less than $50 or more than $500, imprisoned in the county jail for not more than 6 months, or both. In addition, the person shall be subject to forfeiture of his license and privilege to hunt, fish, or trap within this state for a period of not less than 24 months from the date of conviction.

(2) (a) A person convicted of unlawfully taking, killing, possessing, transporting, or wasting of a bighorn sheep, moose, wild bison, caribou, mountain goat, or grizzly bear or any part of these animals shall be fined not less than $500 or more than $1,000, imprisoned in the county jail for not more than 6 months, or both. In addition, that person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for not less than 30 months from the date of conviction.

(b) A person convicted of unlawfully taking, killing, possessing, or transporting a deer, antelope, elk, mountain lion, or black bear or any part of these animals or wasting a deer, antelope, or elk shall be fined not less than $300 or more than $1,000, imprisoned in the county jail for not more than 6 months, or both. In addition, that person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for not less than 24 months from the date of conviction.

(c) A person convicted of unlawfully attempting to trap, take, shoot, or kill a game animal shall be fined not less than $200 or more than $600, imprisoned in the county jail for not more than 60 days, or both.

(d) A person convicted of unlawfully taking, killing, possessing, transporting, shipping, labeling, packaging, or

THIRD READING

wasting or unlawfully attempting to take, kill, or possess any game bird, wild turkey, or fish or any part of any such bird or fish or of failure to tag a game animal or game bird as prescribed by law shall be fined not less than $50 or more than $200 or imprisoned in the county jail for not more than 30 days, or both.

(e) A person convicted of purposely or knowingly taking, killing, possessing, transporting, shipping, labeling, or packaging a fur-bearing animal or pelt of a fur-bearing animal in violation of any provision of this title shall be fined not less than $50 or more than $1,000 or imprisoned in the county jail for not more than 6 months, or both. In addition, that person shall forfeit any current license and the privilege to hunt, fish, or trap for not less than 24 months from the date of conviction and any pelts possessed unlawfully must be confiscated.

(f) A person convicted of hunting, fishing, or trapping while his license is forfeited or his privilege denied shall be imprisoned in the county jail for not less than 5 days or more than 6 months. In addition, that person may be fined not less than $500 or more than $1,000.

(3) A person convicted OR WHO HAS FORFEITED BOND OR BAIL under subsection (2) AND WHO HAS BEEN ORDERED TO PAY RESTITUTION UNDER THE PROVISIONS OF 87-1-111 may not apply for any special license under Title 87, chapter 2, part 7,

or enter any drawing for a special license or permit for a period of 5 years following the date of conviction or restoration of license privileges, whichever is later. ~~A violation of this subsection is a misdemeanor, punishable as provided in subsection (1).~~

~~(3)~~(4) Notwithstanding the provision of subsection (1), the penalties provided by this section shall be in addition to any penalties provided in Title 37, chapter 47, and Title 87, chapter 4, part 2."

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Bob Ream, on March 2nd 1989, at 3:30 p.m.

ROLL CALL

Members Present: All with the exception of:

Members Excused: Rep. Daily, Rep. Gervais, Rep. Raney, Rep. Betty Lou Kasten and Rep. Eudaily

Members Absent: none

Staff Present: Doug Sternberg, Legislative Council and Maureen Cleary, Committee Secretary

Announcements/Discussion: none

HEARING ON SENATE BILL 39

Presentation and Opening Statement by Sponsor:

SEN. BISHOP: Senate District #46. Senator read text of the bill. This bill would recognize that these persons that this bill address would have to be flagrant violators.

Testifying Proponents and Who They Represent:

Mr. Don Chance/ Mt. Wildlife Federation, Helena

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena

Ms. Vera Cahoon/ Mt. Bowhunters Assoc, Helena

Proponent Testimony:

Mr. Chance: Poaching and other forms of major game violations are a real problem. It effects the landowners, sportsmen, outfitters and Fish and Game resources within the state. Poaching is extremely difficult to assess with any precision, to determine the magnitude of major game poaching within the state. We do have some available information. It has been estimated that 20% to30 50% of fish and game harvested under certain circumstances is taken illegally. It reduces the resource for the legitimate sportsman. History has borne out that stiffer poaching penalties is a major deterrent. This bill will amend the current poaching penalties, by further prohibiting convicted poachers from

special drawings for five years after their conviction. The Montana Wildlife Federation is strongly in favor of this bill.

Mr. Marcoux: (See Exhibit #1)

Ms. Cahoon: (See Exhibit #2)

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. KELLER: Does this violation refer to fishing violations? SEN. BISHOP: Those violations are listed on page one of the bill for specifics. Including game birds and game fish.

REP. REAM: On page 4, lines 4 and 5, why was that language struck? SEN. BISHOP: That was just unnecessary language.

Closing by Sponsor: SEN. BISHOP: waived his closing to the Committee.

DISPOSITION OF SENATE BILL 39

Motion: Rep. Kasten motioned a "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A "TO BE CONCURRED IN" FOR THIS BILL WITH A UNANIMOUS VOTE.

HEARING ON SENATE BILL 236

Presentation and Opening Statement by Sponsor:

SEN. SEVERSON: I call this my "compulsory check-out bill", it is much more "watered down" then when first introduced. Basically what the bill intended to do in it's original form was to require anyone elk hunting to report a kill within 10 days. I look at it as a game management tool. Harvest numbers are important, particularly for the outfitters. I believe that the post-paid mail in card is a good system for the Fish and Game to implement. I think the hunters will accept this tool.

Exhibit #1
3/2/89

SB 39
March 2, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

We support SB 39 with the Senate amendments. Individuals who have been ordered to pay restitution under the provisions of 87-1-111 are those who have demonstrated a willful and wanton disregard for the law. This bill would not impact those who fail to properly tag or transport a legally taken animal.

Based on experiences in FY 1988, we anticipate 25-30 individuals per year would be subject to the penalty of not applying in any drawings for a special license or permit.

EXHIBIT #1
DATE 3/2/89
HB SB 39

exhibit #2
3/2/89
SB39

Montana Bowhunters Association

Buddy Lundstrom, *President*
Box 1119
Malta, Montana 59538

Telephone: Shop (406) 654-1041 — 7:00 to 8:00 a.m.
Home (406) 654-2167 — After 8:00 p.m.

HOUSE
[redacted] Fish and Game Committee
Senate bill #39

The Montana Bowhunters Association would like to go on record in support of Senate Bill #39. We feel this bill will make the poacher think again before taking one of Montana's exotic species. We feel this is fair punishment for this crime.

Thank you for the opportunity to have input into your decision. Please vote yes on Senate bill #39.

Sincerely,

Buddy Lundstrom

#2
3/2/89
SB39

Vera Cahoon, Lobbyist

DAILY ROLL CALL

FISH AND GAME COMMITTEE

51st Session - Legislative Council

Date 3/2/89

NAME	PRESENT	ABSENT	EXCUSED
Bob Ream, Chairman	✓		
Jim Elliott, Vice-Chair	✓		
Robert Blotkamp	✓		
Ben Cohen	✓		
Fritz Daily			
Gene DeMars	✓		
~~Bob Pavlovich~~ Bob Gervais.			
Bob Raney			
Bill Strizich	✓		
Roger DeBruycker	✓		
Orval Ellison	✓		
Ralph Eudaily			
Marian Hanson	✓		
Betty Lou Kasten			
Vernon Keller	✓		
John Phillips	✓		

CS-30

ROLL CALL VOTE

FISH AND GAME COMMITTEE

DATE 3/2/89 BILL NO. SB39 NUMBER

Elliott

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	~~0~~	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
REp. Eudaily	~~0~~ ✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	
TALLY	(15)	

maureen Cleary
Secretary

Chairman

MOTION: Kasten "do pass"

AS CONCURRED in comm.

Form CS-31
Rev. 1985

STANDING COMMITTEE REPORT

March 2, 1989

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 39 (REFERENCE copy -- BLUE) be concurred in .

Signed: _____
Bob Ream, Chairman

[REP. ELLIOT WILL CARRY THIS BILL ON THE HOUSE FLOOR]

SENATE BILL NO. 39

INTRODUCED BY BISHOP

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO ESTABLISH A PENALTY FOR A PERSON WHO APPLIES FOR A SPECIAL LICENSE WITHIN 5 YEARS AFTER VIOLATING CERTAIN STATE HUNTING OR FISHING LAWS;~~ PROHIBIT A PERSON WHO IS CONVICTED OF VIOLATING CERTAIN STATE HUNTING AND FISHING LAWS FROM APPLYING FOR A SPECIAL LICENSE WITHIN 5 YEARS AFTER THE CONVICTION; AND AMENDING SECTION 87-1-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-102, MCA, is amended to read:

"87-1-102. Penalties. (1) A person violating any provision of this title, any other state law pertaining to fish and game, or the orders or rules of the commission or department is, unless a different punishment is expressly provided by law for the violation, guilty of a misdemeanor and shall be fined not less than $50 or more than $500, imprisoned in the county jail for not more than 6 months, or both. In addition, the person shall be subject to forfeiture of his license and privilege to hunt, fish, or trap within this state for a period of not less than 24 months from the date of conviction.

(2) (a) A person convicted of unlawfully taking, killing, possessing, transporting, or wasting of a bighorn sheep, moose, wild bison, caribou, mountain goat, or grizzly bear or any part of these animals shall be fined not less than $500 or more than $1,000, imprisoned in the county jail for not more than 6 months, or both. In addition, that person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for not less than 30 months from the date of conviction.

(b) A person convicted of unlawfully taking, killing, possessing, or transporting a deer, antelope, elk, mountain lion, or black bear or any part of these animals or wasting a deer, antelope, or elk shall be fined not less than $300 or more than $1,000, imprisoned in the county jail for not more than 6 months, or both. In addition, that person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for not less than 24 months from the date of conviction.

(c) A person convicted of unlawfully attempting to trap, take, shoot, or kill a game animal shall be fined not less than $200 or more than $600, imprisoned in the county jail for not more than 60 days, or both.

(d) A person convicted of unlawfully taking, killing, possessing, transporting, shipping, labeling, packaging, or

wasting or unlawfully attempting to take, kill, or possess any game bird, wild turkey, or fish or any part of any such bird or fish or of failure to tag a game animal or game bird as prescribed by law shall be fined not less than $50 or more than $200 or imprisoned in the county jail for not more than 30 days, or both.

(e) A person convicted of purposely or knowingly taking, killing, possessing, transporting, shipping, labeling, or packaging a fur-bearing animal or pelt of a fur-bearing animal in violation of any provision of this title shall be fined not less than $50 or more than $1,000 or imprisoned in the county jail for not more than 6 months, or both. In addition, that person shall forfeit any current license and the privilege to hunt, fish, or trap for not less than 24 months from the date of conviction and any pelts possessed unlawfully must be confiscated.

(f) A person convicted of hunting, fishing, or trapping while his license is forfeited or his privilege denied shall be imprisoned in the county jail for not less than 5 days or more than 6 months. In addition, that person may be fined not less than $500 or more than $1,000.

(3) A person convicted OR WHO HAS FORFEITED BOND OR BAIL under subsection (2) AND WHO HAS BEEN ORDERED TO PAY RESTITUTION UNDER THE PROVISIONS OF 87-1-111 may not apply for any special license under Title 87, chapter 2, part 7,

or enter any drawing for a special license or permit for a period of 5 years following the date of conviction or restoration of license privileges, whichever is later. ~~A violation of this subsection is a misdemeanor, punishable as provided in subsection (1).~~

~~(3)~~(4) Notwithstanding the provision of subsection (1), the penalties provided by this section shall be in addition to any penalties provided in Title 37, chapter 47, and Title 87, chapter 4, part 2."

-End-